



13 CFR Ch. I

Semiannual Regulatory Agenda

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Semiannual regulatory agenda.

SUMMARY: This semiannual Regulatory Agenda (Agenda) is a summary of current and projected rulemakings and completed actions of the Small Business Administration (SBA). This summary information is intended to enable the public to be more aware of, and effectively participate in, SBA's regulatory activities. Accordingly, SBA invites the public to submit comments on any aspect of this Agenda.

FOR FURTHER INFORMATION CONTACT:

General

Please direct general comments or inquiries to Daniel Kane, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416; (202) 744-2509; Daniel.Kane@sba.gov. This phone number can also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Communications Commission's TTY-Based Telecommunications Relay Service teletype service at 711.

Specific

Please direct specific comments and inquiries on individual regulatory activities identified in this Agenda to the individual listed in the summary of the regulation as the point of contact for that regulation.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (RFA) requires SBA to publish in the *Federal Register* a semiannual regulatory flexibility agenda describing those Agency rules that are likely to have a significant economic impact on a substantial number of small entities (5 U.S.C. 602). The summary information published in the *Federal Register* is limited to those rules. Additional information regarding all of the rulemakings SBA expects to consider in the next 12 months is included in the Federal

Government's unified Regulatory Agenda, which will be available online at www.reginfo.gov in a format that offers users enhanced ability to obtain information about SBA's rules.

Isabella Casillas Guzman,

Administrator.

Small Business Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
446	Small Business Development Center Program Revisions	3245-AE05
447	Small Business Size Standards; Alternative Size Standard for 7(a), 504, and Disaster Loan Programs	3245-AG16
448	National Defense Authorization Act of 2020, Credit for Lower Tier Subcontracting and Other Amendments	3245-AH28
449	Small Business Lending Company (SBLC) Moratorium Rescission and Removal of the Requirement for a Loan Authorization	3245-AH92
450	Affiliation in Small Business Procurement Programs; Women-Owned Small Business Program	3245-AH97

Small Business Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
451	Small Business Timber Set-Aside Program	3245-AG69
452	Small Business Size Standards: Manufacturing and Industries With Employee Based Size Standards in Other Sectors Except Wholesale Trade and Retail Trade	3245-AH09

453	Small Business Size Standards: Adjustment of Monetary Based Size Standards for Inflation	3245-AH17
454	Small Business Size Standards: Adjustment of Monetary Based Size Standards, Disadvantage Thresholds, and 8(a) Eligibility Thresholds for Inflation	3245-AH93

Small Business Administration—Completed Actions

Sequence Number	Title	Regulation Identifier Number
455	Small Business Size Standards: Wholesale Trade and Retail Trade	3245-AH10
456	Small Business Size Standards: Adoption of 2022 North American Industry Classification System for Size Standards	3245-AH89

Small Business Administration (SBA)	Proposed Rule Stage

446. SMALL BUSINESS DEVELOPMENT CENTER PROGRAM REVISIONS [3245-AE05]

Legal Authority: 15 U.S.C. 634(b)(6); 15 U.S.C. 648

Abstract: This rule proposes to update the Small Business Development Center (SBDC) program regulations by proposing to amend: (1) procedures for approving when a new Lead SBDC Center Director is selected; (2) procedures and requirements regarding findings and disputes resulting from financial exams, programmatic reviews, accreditation reviews, and other SBA oversight activities; (3) procedures regarding the determination to affect suspension, termination or non-renewal of an SBDC's cooperative agreement; and (4) provisions regarding the collection and use of the individual SBDC client data.

Timetable:

Action	Date	FR Cite
ANPRM	04/02/15	80 FR 17708

ANPRM Comment Period	06/01/15	
End		
NPRM	01/00/23	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Rachel Newman-Karton, Program Manager, Small Business Administration, 409 Third Street SW, Washington, DC 20416

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RIN: 3245-AE05

447. SMALL BUSINESS SIZE STANDARDS; ALTERNATIVE SIZE STANDARD FOR 7(A), 504, AND DISASTER LOAN PROGRAMS [3245-AG16]

Legal Authority: Pub. L. 111-240, sec. 1116

Abstract: SBA will propose amendments its size eligibility criteria for Business Loans, certified development company (CDC) loans under title V of the Small Business Investment Act (504) and economic injury disaster loans (EIDL). For the SBA 7(a) Business Loan Program and the 504 program, the amendments will provide an alternative size standard for loan applicants that do not meet the small business size standards for their industries. The Small Business Jobs Act of 2010 (Jobs Act) established alternative size standards that apply to both of these programs until SBA's Administrator establishes other alternative size standards. For the disaster loan program, the amendments will provide an alternative size standard for loan applicants that do not meet the Small Business Size Standard for their industries. SBA loan program alternative size standards do not affect other Federal Government programs, including Federal procurement.

Timetable:

Action	Date	FR Cite
ANPRM	03/22/18	83 FR 12506
ANPRM Comment Period	05/21/18	
End		
NPRM	05/00/23	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3245-AG16

**448. NATIONAL DEFENSE AUTHORIZATION ACT OF 2020, CREDIT FOR LOWER TIER
SUBCONTRACTING AND OTHER AMENDMENTS [3245-AH28]**

Legal Authority: Pub. L. 116-92

Abstract: Section 870 of the National Defense Authorization Act of 2020 (NDAA 2020) made a change that will require SBA to amend its regulations. Specifically, the language of NDAA 2020 requires SBA to alter the method and means of accounting for lower tier small business subcontracting. This proposed rule may also contain several smaller changes that might be necessary to implement this provision and other provisions in NDAA 2020.

Timetable:

Action	Date	FR Cite
NPRM	02/00/23	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3245-AH28

**449. SMALL BUSINESS LENDING COMPANY (SBLC) MORATORIUM RESCISSION AND REMOVAL
OF THE REQUIREMENT FOR A LOAN AUTHORIZATION [3245-AH92]**

Legal Authority: Sec. 3(r) and 7(a) of the Small Business Act

Abstract: SBA intends to publish a notice of proposed rulemaking in order to receive comments from the public and the lending industry regarding the proposal to lift the moratorium on permitting new Small

Business Lending Companies (SBLC). SBA intends to also propose removal of duplicative forms and other collections of information for the Agency's business loan programs.

Timetable:

Action	Date	FR Cite
NPRM	11/07/22	87 FR 66936
NPRM Comment Period End	01/06/23	
Final Rule	04/00/23	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3245-AH92

450. • AFFILIATION IN SMALL BUSINESS PROCUREMENT PROGRAMS; WOMEN-OWNED SMALL BUSINESS PROGRAM [3245-AH97]

Legal Authority: 15 U.S.C. 632(a); 15 U.S.C. 637(m)

Abstract: Following revisions to the requirements in SBA's 8(a) Business Development and Service-Disabled Veteran-Owned Small Business programs, SBA is issuing conforming revisions to its affiliation rules that govern all of the small-business procurement programs and to the Women-Owned Small Business program. These revisions will ensure consistent requirements for ownership and control across SBA's procurement programs.

Timetable:

Action	Date	FR Cite
NPRM	09/00/23	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Sam Le, Director, Office of Policy Planning and Liaison, Office of Government Contracting and Business Devel, Small Business Administration, 409 3rd Street SW, Washington, DC 20416

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RIN: 3245-AH97

Small Business Administration (SBA)	Final Rule Stage

451. SMALL BUSINESS TIMBER SET-ASIDE PROGRAM [3245-AG69]

Legal Authority: 15 U.S.C. 631; 15 U.S.C. 644(a)

Abstract: The U.S. Small Business Administration (SBA or Agency) is amending its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Accordingly, the Program requires Timber sales to be set aside for small business when small business participation falls below a certain amount. SBA considered comments received during the Advance Notice of Proposed Rulemaking and Notice of Proposed Rulemaking processes, including on issues such as, but not limited to, whether the saw timber volume purchased through stewardship timber contracts should be included in calculations, and whether the appraisal point used in set-aside sales should be the nearest small business mill. In addition, SBA is considering data from the timber industry to help evaluate the current program and economic impact of potential changes.

Timetable:

Action	Date	FR Cite
ANPRM	03/25/15	80 FR 15697
ANPRM Comment Period End	05/26/15	
NPRM	09/27/16	81 FR 66199
NPRM Comment Period End	11/28/16	
Final Rule	11/00/23	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Sam Le, Director, Office of Policy Planning and Liaison, Office of Government Contracting and Business Devel, Small Business Administration, 409 3rd Street SW, Washington, DC 20416
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RIN: 3245-AG69

452. SMALL BUSINESS SIZE STANDARDS: MANUFACTURING AND INDUSTRIES WITH EMPLOYEE BASED SIZE STANDARDS IN OTHER SECTORS EXCEPT WHOLESALE TRADE AND RETAIL TRADE [3245-AH09]

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries in North American Industry Classification System (NAICS) Sector 31-33 (Manufacturing) and industries with employee-based size standards in other sectors except Wholesale Trade and Retail Trade and make necessary adjustments to their size standards. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its revised Size Standards Methodology, which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	04/26/22	87 FR 24752
NPRM Comment Period End	06/27/22	
Final Rule	03/00/23	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3245-AH09

453. SMALL BUSINESS SIZE STANDARDS: ADJUSTMENT OF MONETARY BASED SIZE

STANDARDS FOR INFLATION [3245-AH17]

Legal Authority: 15 U.S.C. 632(a)

Abstract: In this final rule, the U.S. Small Business Administration (SBA or Agency) adjusts all monetary based industry size standards (i.e., receipts, assets, net worth, and net income) for inflation since the last adjustment in 2014. In accordance with its regulations in 13 CFR 121.102(c), SBA is required to review the effects of inflation on its monetary standards at least once every five years and adjust them, if necessary. In addition, the Small Business Jobs Act of 2010 (Jobs Act) also requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. This action will restore the small business eligibility of businesses that have lost that status due to inflation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/18/19	84 FR 34261
Interim Final Rule Effective	08/19/19	
Interim Final Rule Comment Period End	09/16/19	
Final Action	12/00/22	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3245-AH17

454. SMALL BUSINESS SIZE STANDARDS: ADJUSTMENT OF MONETARY BASED SIZE STANDARDS, DISADVANTAGE THRESHOLDS, AND 8(A) ELIGIBILITY THRESHOLDS FOR INFLATION [3245-AH93]

Legal Authority: 15 U.S.C. 632(a); 15 U.S.C. 637(a)(6)(A)

Abstract: SBA intends to issue this rulemaking to adjust its monetary small business size standards (*i.e.*, receipts, net income, net worth, and financial assets) for the effects of inflation that have occurred since the last inflation adjustment, which was effective on August 19, 2019. SBA is required by its regulations in 13 CFR 121.102(c) to review the effects of inflation on its monetary standards at least once every five years. As in previous adjustments, SBA will apply the Gross Domestic Product (GDP) price index as a measure of inflation. This action will restore small business eligibility to businesses that have lost that status due to inflation.

In addition, SBA intends to adjust other monetary thresholds in its regulations that are otherwise not adjusted for inflation under FAR 1.109. These thresholds primarily are those used in the 8(a) Business Development and the Economically Disadvantaged Women-Owned Small Business (EDWOSB) programs to determine economic disadvantage. Others are used to maintain eligibility for the 8(a) program. In some cases, these thresholds have not been adjusted for 25 years. This action will permit small businesses to retain eligibility as economically disadvantaged and eligible for the 8(a) program, despite an increase in inflation.

SBA will publicize the rule via the Small Business Procurement Advisory Council, the Integrated Acquisition Environment, fbo.gov, press releases, publication of this rule in the Federal Register, emails to interested parties, and the size standards website at www.sba.gov/size.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/22	87 FR 69118
Interim Final Rule Effective	12/19/22	
Interim Final Rule Comment Period End	01/17/23	
Final Rule	03/00/23	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3245-AH93

Small Business Administration (SBA)	Completed Actions

455. SMALL BUSINESS SIZE STANDARDS: WHOLESALE TRADE AND RETAIL TRADE [3245-AH10]

Legal Authority: 15 U.S.C. 632(a)

Abstract: The Small Business Jobs Act of 2010 (Jobs Act) requires SBA to conduct every five years a detailed review of all size standards and to make appropriate adjustments to reflect market conditions. As part of the second 5-year review of size standards under the Jobs Act, in this proposed rule, SBA will evaluate all industries in North American Industry Classification System (NAICS) Sector 42 (Wholesale Trade) and Sector 44-45 (Retail Trade) and make necessary adjustments to their size standards. This is one of a series of proposed rules that will examine groups of NAICS sectors. SBA will apply its revised Size Standards Methodology, which is available on its website at <http://www.sba.gov/size>, to this proposed rule.

Completed:

Reason	Date	FR Cite
Final Rule	06/14/22	87 FR 35869
Final Rule Effective	07/14/22	

Regulatory Flexibility Analysis Required: Yes

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RIN: 3245-AH10

456. SMALL BUSINESS SIZE STANDARDS: ADOPTION OF 2022 NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM FOR SIZE STANDARDS [3245-AH89]

Legal Authority: 15 U.S.C. 632(a)

Abstract: This will amend SBA's Small Business Size Regulations by incorporating the Office of Management and Budget's (OMB) 2022 revision of the North American Industry Classification System (NAICS) into its table of small business size standards. NAICS 2022 created 111 new industries involving 147 NAICS 2017 industries in 11 Sectors, mostly in Sector 44-45 (Retail Trade), followed by Sector 31-33 (Manufacturing), and Sector 51 (Information). Of the 111 new industries, 79 were formed by merging two or more of 124 industries or their parts. In addition, the NAICS 2022 revised titles, 6-digit codes, or definitions of the 32 other NAICS 2017 industries or their parts. As a result, the size standards for some existing industries or parts will change. Similar to the adoptions of prior OMB revisions to NAICS in 2002, 2007, 2012, and 2017, SBA will adopt the NAICS 2022 revision to its table of size standards, effective the beginning of the Federal government's new fiscal year (October 1, 2022).

Completed:

Reason	Date	FR Cite
NPRM	07/05/22	87 FR 40034
Final Rule	09/29/22	87 FR 59240
Final Rule Effective	10/01/22	

Regulatory Flexibility Analysis Required: Yes

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